

REMARKSRejection of Claims of Art Grounds in the 26 January 2005 Office Action, and Traversal
Thereof

In the 26 January 2005 Office Action, claims 1-5, 13-14, 16-25, and 28-40 were rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Moreover, claims 1-5, 13-14, 16-25, and 28-40 were rejected under 35 U.S.C. 103(a) as being unpatentable over Per Coderqvist et al. (Version Management with CVS for CVS 1.11.3, 1992, 1993) in view of Mansurov et al. (U.S. Patent No. 6,346,945 B1). The above rejections of the claims 1-5, 13-14, 16-25, and 28-40 are traversed, and consideration of the patentability of claims 1-5, 13-14, 16-25, and 28-40, as amended, is requested in light of the ensuing remarks.

The Present Invention Is Not Obvious Over The Cited References

A claimed invention may be found to have been obvious "if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains." 35 U.S.C. § 103(a). Moreover, the Federal Circuit has ruled on numerous occasions that a holding of "obviousness" requires some motivation, suggestion or teaching within the cited references that would lead one skilled in the art to modify the cited reference or references as claimed by applicant. See, for example, *In re Kotzab*, 217 F.3d 1365, 55 USPQ2d 1313 (Fed Cir. 2000):

"Most if not all inventions arise from a combination of old elements. See *In re Rouffet*, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1457 (Fed. Cir. 1998). Thus, every element of a claimed invention may often be found in the prior art. However, identification in the prior art of each individual part claimed is insufficient to defeat patentability of the whole claimed invention. Rather, to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching

of the desirability of making the specific combination that was made by the applicant. See *In re Dance*, 160 F.3d 1339, 1343, 48 USPQ2d 1635, 1637 (Fed. Cir. 1998); *In re Gordon*, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984). Even when obviousness is based on a single prior art reference, there must be a showing of a suggestion or motivation to modify the teachings of that reference. See *B.F. Goodrich Co. v. Aircraft Braking Sys. Corp.*, 72 F.3d 1577, 1582, 37 USPQ2d 1314, 1318 (Fed. Cir. 1996)."

The cited *Per Cederqvist et al* reference and the cited *Mansurov et al* patent describe software tools. The claims of the present application also describe a software tool. The invention described by *Per Cederqvist et al* pertains to a concurrent versioning system for tracking changes to source code. On the other hand, the *Mansurov et al* patent discloses a software tool for pattern-based flowcharting of source code. The present invention also discloses a software tool. However, the software tool of the present invention as specifically claimed is novel and non-obvious over the cited references.

The Applicant respectfully reasserts that the Examiner's position that *Per Cederqvist et al* teaches converting a source code into a language-neutral representation is incorrect. For example, page 2, lines 3-15 affirms that the unified modeling language UML is usable as a language-neutral graphical representation of source code. In addition, page 21, lines 9-30 and page 22, lines 1-4 of the present application describe a step of converting a source code into a language-neutral graphical representation in which UML may be used. Moreover, FIGS. 3 and 5 of the present application depict the resulting language-neutral graphical output of such a step. None of the cited prior art applied or not applied, disclose using UML or an equivalent as a language-neutral graphical representation of source code. Therefore, neither *Per Cederqvist et al* nor *Mansurov et al* teach or suggest the above underlined step as called for in the independent claims of the present application. Thus, the independent claims along with their dependents cannot be properly held to be obvious over the cited references.

CONCLUSION

In view of the foregoing, claims 1-5, 13, 14, 16-25 and 28-40 constituting the claims pending in the application, are submitted to be fully patentable and in allowable condition to address and overcome the rejections.

If any issues remain outstanding, incident to the allowance of the application, Examiner Choung is respectfully requested to contact the undersigned attorney at (919)-664-8222 or via email at jirang@trianglepatents.com to discuss the resolution of such issues, in order that prosecution of the application may be concluded favorably to the applicant.

Respectfully submitted,



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